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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,868	08/20/2003	Steve Anspach	20-522	5191

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EXAMINER
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GEE, JASON KAI YIN

ART UNIT	PAPER NUMBER
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2134

MAIL DATE	DELIVERY MODE
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11/30/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/643,868

Applicant(s)

ANSPACH ET AL.

Examiner

Jason K. Gee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/26/2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***DETAILED ACTION***

1. This action is response to communication: RCE filed on 10/26/2007.
2. Claims 15-20 are currently pending in this application. Claims 15 and 18 are independent claims.
3. Receipt is acknowledged of a request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e) and a submission, filed on 10/26/2007.

***Response to Arguments***

4. Applicant's arguments filed on 10/26/2007 have been considered but are moot in view of the new ground(s) of rejection.

A new reference has been brought in to teach the red/black systems. Also, the previous references does indeed teach a public Internet. The Internet is inherently public. An internet (no capital I), is not always public. The references refer to the Internet, and not an internet.

***Election/Restrictions***

Applicant's election of claims 15-20 in the reply filed on 04/23/2007 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). The requirement is still deemed proper and is therefore made FINAL.

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***Double Patenting***

5. The provisional double patenting rejection with regards to Copending Application No. 10/699,834 has been withdrawn in response to applicant's Terminal Disclaimer submitted on 09/12/2007

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over *Global Broadcast Service (GBS) End-to-End Services: Protocols and Encapsulation* by Michael DiFrancisco et al. (hereinafter DiFrancisco), 2000, in view of *KIV-7 Family* (hereinafter KIV Family), and further in view of Elliott US Patent No. 7,023,818 (hereinafter Elliott).

As per claim 15, DiFrancisco teaches a method of providing a deployable communication system, comprising: passing network data through an encryption device to provide bulk encrypted data (page 705, 2.1.2, wherein serial encryptors such as kg-194 and kg-84 inherently utilize bulk encryption); encapsulating said bulk encrypted data in IP packets (page 707, 3.0), routing said IP encapsulated, bulk encrypted data from an output port of said deployable communication system over a public Internet (page 706, 2.3 and 2.3.1; packets are inherently output from output ports); wherein said

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deployable communication system enables routing of secure communications via said Internet using said IP packets comprising said encapsulated bulk encrypted data (page 706, 2.3 and 2.3.1; also page 707, 3.0).

However, at the time of the invention, DiFrancisco does not explicitly teach KIV type encryption devices. However, DiFrancisco teaches Type 1 serial encryptors, such as KG-194, KG-84, etc. If not inherent, it is very well known in the art that one of the most common type 1 serial encryptors are KIV encryptor units. For further information, this may be found in KIV Family, such as on page 1, relating the KIV-7 family with the KG-84.

In addition, at the time of the invention, DiFrancisco and the KIV Family do not explicitly teach that the system is a portable system. However, making a system portable is obvious, as it increases the flexibility of the system. Also, see *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

Further, the DiFrancisco and KIV Family does not explicitly teach routing data from a plurality of sources by a red side router, said plurality of sources comprising telephony devices and computing devices, and routing encrypted data through a black side router. This is obvious though, as taught in by Elliott in col. 7 lines 1- 25.

At the time of the invention, it would have been obvious to combine the KIV Family reference with DiFrancisco. As stated earlier, DiFrancisco teaches type 1 serial encryptors, and it is well known in the art, if not inherent, that KIV encryptors are commonly used for type 1 serial encryptors. By utilizing KIV encryption, the KIV

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standards will be met, and can be adaptable to the security systems already in use with the type 1 serial encryptors.

At the time of the invention, it would have been obvious to combine the DiFrancisco combination with the Elliott reference. One of ordinary skill in the art would have been motivated to perform such an addition to ensure security, as the red/black routers are geared toward a system which provides security. Further, Elliott is directed toward portable deployable communication systems which provide security in communication systems. As described in Elliott in col. 7 lines 10-27, the red/black terminology is directed toward military communication terms, and it would have been obvious to use such a system for such needs, as security is greatly needed in these areas.

As per claim 16, the KIV family teaches a KIV-7 encryption device.

Claim 18 is rejected using the same basis of arguments used to reject claim 15 above.

Claim 19 is rejected using the same basis of arguments used to reject claim 19 above.

8. Claims 17 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Di Francisco and KIV Family as applied above, and further in view of KIV-21 ViaSat IP Crypto (hereinafter ViaSat).

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As per claim 17, the DiFrancisco and KIV Family reference do not explicitly teach KIV-21. However, DiFrancisco teaches that any type 1 serial encryptor may be used. The KIV-21 is well known in the art, as can be seen in the ViaSat reference.

At the time of the invention, it would have been obvious to combine the ViaSat reference with the DiFrancisco reference. One of ordinary skill in the art would have been motivated to perform such an addition to provide more security. It teaches in ViaSat on page 1 multiple advantages, one of them being that KIV-21 is ideal to create a Type 1 VPN supporting any IP-based client/server application including web browsing.

Claim 20 is rejected using the same basis of arguments used to reject claim 17 above. Yah she did

### ***Conclusion***


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason K. Gee whose telephone number is (571) 272-6431. The examiner can normally be reached on M-F, 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on (571) 272-38383811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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11/20/2007



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SUPERVISORY PATENT EXAMINER